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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,866	11/26/2003	Amy M. Tupler	CE11826JME	8598

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MOTOROLA, INC
 INTELLECTUAL PROPERTY SECTION
 LAW DEPT
 8000 WEST SUNRISE BLVD
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EXAMINER

RAMOS FELICIANO, ELISEO

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,866

Applicant(s)

TUPLER ET AL.

Examiner

Eliseo Ramos-Feliciano

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/27/2006</u> . | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

Art Unit – Notice

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement filed on March 27, 2006 have been considered by the examiner (see attached PTO-1449 or PTO/SB/08A and 08B forms).

Claim Objections

3. **Claim 21** is objected to because of the following informalities: line 10, as amended, reads “the support”, but should be --the at least one support-- for consistency of language. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claim 22** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 22 now requires “a second axis that is substantially parallel to the top surface of the display” and means for permitting the display to rotate about such second axis as claimed.

This is subject matter which was not described in the original specification; therefore, new matter. Applicant has not pointed out where in the original specification support for the newly added limitations can be found.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-4 and 7-22** are rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al. (US Patent Number (6,009,336).

Regarding **claim 1**, Harris et al. discloses a display system comprising:

a platform (400, 104, 108 – Figures 12 and 4);

a display (184, 110) having a display support (FIGURE 5) that pivotally attaches the display to said platform (column 7, lines 41-53) and said display being operable between a first position and at least a second position (Figures 12, 13, 2, and 4); and

at least one sensor (512, 514, 604, 606 – Figures 5 and 6; column 7, lines 41-53);

wherein an output of said sensor correlates to said position of said display (column 8, lines 46-55; column 9, lines 17-35; column 11, line 39 to column 12, line 4);

wherein said display support includes at least one support member (502) rigidly attached to said display; and at least one pivot member (402) rigidly attached to said at least one support member and pivotally attached to said platform (see Figures 5-6; column 7, lines 41-67).

In general, see column 2, lines 55-65 and column 6, line 50 to column 12, line 37.

Regarding **claim 2**, Harris et al. discloses everything claimed as applied above (see *claim 1*). In addition, Harris et al. discloses wherein said sensor outputs a signal that is used to identify a direction of display pivot (for example: “ninety degree orientation” – column 8, lines 46-55; column 9, lines 17-35; column 11, line 39 to column 12, line 4).

Regarding **claim 3**, Harris et al. discloses everything claimed as applied above (see *claim 1*). In addition, Harris et al. discloses wherein said sensor outputs a signal that is used to identify an amount of display pivot (for example: “ninety degree orientation” – column 8, lines 46-55; column 9, lines 17-35; column 11, line 39 to column 12, line 4).

Regarding **claim 4**, Harris et al. discloses everything claimed as applied above (see *claim 1*). In addition, Harris et al. discloses wherein said sensor comprises at least one of an electrical contact and a photon based sensor (for example: electrical contacts 512, 514, 604, 606 – Figures 5 and 6; column 7, lines 41-53).

Regarding **claim 7**, Harris et al. discloses everything claimed as applied above (see *claim 1*). In addition, Harris et al. discloses a structural member having at least one protrusion (520) and said at least one pivot member comprising a channel (“circular path”) approximately located on a circumference of said pivot member (see Figure 6), said channel disposed to receive said at least one protrusion (column 7, line 23-67).

Regarding **claim 8**, Harris et al. discloses everything claimed as applied above (see *claim 1*). In addition, Harris et al. discloses wherein said display support comprises:
at least one support member (402) attached to said platform; and

at least one pivot member (506, 504, or 502; singularly or in combination) rigidly attached to said at least one support member and pivotally attached to said display (see Figures 5-6; column 7, lines 41-67).

Regarding **claim 9**, Harris et al. discloses everything claimed as applied above (see *claim 8*). In addition, Harris et al. discloses said display comprising at least one protrusion (520 or 518; singularly or in combination) and said at least one pivot member comprising a channel (“circular path”) approximately located on a circumference of said pivot member (see Figure 6), said channel disposed to receive said at least one protrusion (column 7, line 23-67).

Regarding **claim 10**, Harris et al. discloses everything claimed as applied above (see *claim 1*). In addition, Harris et al. discloses the display being rotationally operable about an axis that is substantially perpendicular to a top surface of said display (Figures 12, 13; column 8, line 46 to column 9, line 5).

Regarding **claim 11**, Harris et al. discloses everything claimed as applied above (see *claim 10*). In addition, Harris et al. discloses wherein said sensor measures a direction of rotation of said display (for example: “clockwise”, “counterclockwise” – column 8, line 46 to column 9, line 5; Figures 2, 12, 13).

Regarding **claim 12**, Harris et al. discloses everything claimed as applied above (see *claim 10*). In addition, Harris et al. discloses wherein said sensor measures an amount of rotation of said display (for example: “ninety degree orientation”, “180 degree orientation”, “270 degree orientation” – column 8, line 46 to column 9, line 5; Figures 2, 12, 13).

Regarding **claim 13**, Harris et al. discloses everything claimed as applied above (see *claim 1*). In addition, Harris et al. further discloses a display lock (column 8, line 9) that prevents said display from pivoting when the display system is in a lock mode (column 8, lines 1-25).

Regarding **claim 14**, Harris et al. discloses everything claimed as applied above (see *claim 13*). In addition, Harris et al. discloses wherein said display lock comprises at least one locking member (506/504 – Figure 5) that is operable between a retracted position wherein said locking member is not in contact with said display and an extended position wherein said locking member contacts said display, said locking member contact with said display preventing said display from pivoting (spring moves between retracted position and extended position shown in Figure 5 – column 8, lines 1-25).

Regarding **claim 15**, Harris et al. discloses everything claimed as applied above (see *claim 13*). In addition, Harris et al. discloses wherein said display lock comprises a display retractor (518, 520, 524, 502; singularly or in combination) that retracts (column 8, line 17) said display from an extended position wherein said display is pivotal to a retracted position wherein said display contacts a rigid structure, said contact with said rigid structure preventing said display from pivoting (spring moves between retracted position and extended position shown in Figure 5 – column 8, lines 1-25).

Regarding **claim 16**, Harris et al. discloses everything claimed as applied above (see *claim 1*). In addition, Harris et al. discloses a skirt (border or edge) (520, 518, 524; singularly or in combination), said skirt extending from a perimeter of said display to at least one of said platform and a device surface to form a barrier (column 8, lines 1-36).

Regarding **claim 17**, Harris et al. discloses everything claimed as applied above (see *claim 1*). In addition, Harris et al. discloses wherein said display pivots from said first position to said second position upon the application of a tactile force (column 8, lines 46-55; column 9, lines 17-35; column 11, line 39 to column 12, line 4).

Regarding **claim 18**, Harris et al. discloses everything claimed as applied above (see *claim 17*). In addition, Harris et al. discloses a plurality of tension members (springs 506 – Figure 5) disposed between said display and said platform, said tension members returning said display from said second position to said first position when said application of said tactile force ceases (column 7, lines 23-33; column 8, lines 1-45; column 9, lines 6-17).

Regarding **claim 19**, Harris et al. discloses everything claimed as applied above (see *claim 1*). In addition, Harris et al. discloses wherein said platform is in a fixed position (platform is in fixed position with respect to the communication device; it is the display what rotates – Figure 2, 4, 12-13).

Regarding **claim 20**, Harris et al. discloses everything claimed as applied above (see *claim 1*). In addition, Harris et al. further discloses a graphical user interface (GUI) (touch sensitive screen / touchscreen 186), said GUI presenting graphical information on said display and receiving at least one input correlating to which of said positions the display is disposed (column 5, lines 45-59; column 6, lines 63-67).

Regarding **claim 21**, Harris et al. discloses a device comprising a display system, the display system comprising:

a platform (400, 104, 108 – Figures 12 and 4); and

a display (184, 110) pivotally attached to the platform and being operable between a first position and at least a second position (Figures 12, 13, 2, and 4);

wherein the device receives at least one input signal from the display system, said input signal correlating to which of the positions the display is disposed (the position indication input signal is generated via sensors 512, 514, 604, 606 – column 8, lines 46-55; column 9, lines 17-35; column 11, line 39 to column 12, line 4);

wherein the display (184, 110) has a display support (FIGURE 5) that pivotally attaches the display to the platform (column 7, lines 41-53) and the display support includes at least one support member (502) rigidly attached to the display, and at least one pivot member (402) rigidly attached to the at least one support member and pivotally attached to the platform (see Figures 5-6; column 7, lines 41-67).

In general, see column 2, lines 55-65 and column 6, line 50 to column 12, line 37.

Regarding **claim 22**, Harris et al. discloses a device comprising:

a display (184 – Figure 12) having a first axis that is substantially perpendicular to a top surface of the display (the substantially perpendicular axis is illustrated in Figure 5 as arrow 191) and a second axis that is substantially parallel to the top surface of the display (the substantially parallel axis is conveyed from Figure 5 as perpendicular to arrow 191), wherein the display is pivotally mounted on a support structure within the device (104 – Figure 12); and

means for connecting an input (see Figures 12, 13, 2, and 4) for the device in response to a tactile force transferred to the support structure (column 8, lines 46-55; column 9, lines 17-35; column 11, line 39 to column 12, line 4); and

means for permitting the display to rotate about the first axis or to rotate about the second axis in response to the tactile force (for example, display can rotate about the first/perpendicular axis in response to tactile force – see abstract).

In general, see column 2, lines 55-65 and column 6, line 50 to column 12, line 37.

Response to Arguments

8. Applicant's arguments filed March 16, 2006 have been fully considered but they are not persuasive.

9. Applicant's arguments are generally directed to newly added limitations. In response, these limitations have been treated above where a detailed explanation can be found.

10. Applicant argues Harris is intended for a different purpose (see for example page 8, first paragraph). In response, such is not a question of anticipation; therefore, immaterial to present discussion. Applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER

ERF/erf

May 26, 2006